Section III: Actions Taken in Relation to a Specific Transaction After Credit, Cover or Other Support Has Been Approved

Question 16:

If, **after** credit, cover or other support has been approved, **it is proven that bribery was involved in the award of the export contract for a transaction**, what action(s) are taken?				Elaboration for "other" answers and/or any additional comments/clarifications:
Australia	Law enforcement authorities are informed. (only in relation to a conviction outside the Member's country)	X	always	Under EFIC's direct loan and export finance guarantee facility, there are provisions under the documentation for these facilities that enables EFIC to accelerate loan repayments and require full payment of outstanding loan balance. Albeit EFIC has not had a case where bribery was found and proven to be involved in the award of an export contract in respect of which EFIC provided an export credit facility, the response above reflects the range of actions EFIC may take when this arises. Which of the above actions is undertaken will depend on the facility provided by EFIC, the circumstances of each case and having regard to the action not being prejudicial to the rights of any parties not responsible for the illegal payments.
	Loan disbursements are interrupted.	X	sometimes	
	Cover is invalidated (for export credit insurance and guarantees).	X	sometimes	
	Claims are not indemnified (for export credit insurance and guarantees).	X	sometimes	
	Recourse is sought for amounts disbursed.			
	Recourse is sought for claims that have already been paid (for export credit insurance and guarantees).	X	sometimes	
	Access to official support is denied for a specified period of time.	X	sometimes	
	Other	X	sometimes	
Austria	Law enforcement authorities are informed. (only in relation to a conviction outside the Member's country)	X	always	OeKB would inform the Ministry of Finance which would inform the law enforcement authorities.
	Loan disbursements are interrupted.			
	Cover is invalidated (for export credit insurance and guarantees).	X	always	
	Claims are not indemnified (for export credit insurance and guarantees).	X	always	
	Recourse is sought for amounts disbursed.			
	Recourse is sought for claims that have already been paid (for export credit insurance and guarantees).	X	always	
	Access to official support is denied for a specified period of time.			
	Other			
Belgium	Law enforcement authorities are informed. (only in relation to a conviction outside the Member's country)			Belgium is currently examining the possibility to include in its standard procedure the automatic warning of the law enforcement authorities in case bribery has occurred in the award of an export contract.
	Loan disbursements are interrupted.			
	Cover is invalidated (for export credit insurance and guarantees).	X	always	
	Claims are not indemnified (for export credit insurance and guarantees).	X	always	
	Recourse is sought for amounts disbursed.			
	Recourse is sought for claims that have already been paid (for export credit insurance and guarantees).	X	always	
	Access to official support is denied for a specified period of time.	X	always	
	Other			
Canada	Law enforcement authorities are informed. (only in relation to a conviction outside the Member's country)	X	always	* Rights and remedies of EDC will be governed by the loan documentation. Typically, EDC's loan documentation will include a right to accelerate or suspend advances if borrower is not in compliance with applicable laws. ** Guarantees to other lenders are unconditional and claims would be indemnified *** Recourse to exporter is available for breach of the anti-corruption legislation and decision to commence recovery action will take into account many factors on a case-by-case basis including likelihood of recovery, damages suffered. **** There is no specified period of time. EDC will deny support until it is satisfied that systems have been implemented to deter further bribery and that corrective measures have been taken.
	Loan disbursements are interrupted.*	X	sometimes	
	Cover is invalidated (for export credit insurance and guarantees).**	X	sometimes	
	Claims are not indemnified (for export credit insurance and guarantees).**	X	sometimes	
	Recourse is sought for amounts disbursed.***	X	sometimes	
	Recourse is sought for claims that have already been paid (for export credit insurance and guarantees).***	X	sometimes	
	Access to official support is denied for a specified period of time.****	X	always	
	Other			

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Czech Republic (EGAP)	Law enforcement authorities are informed. (only in relation to a conviction outside the Member's country)	X	always	
	Loan disbursements are interrupted.			
	Cover is invalidated (for export credit insurance and guarantees).			
	Claims are not indemnified (for export credit insurance and guarantees).	X	always	
	Recourse is sought for amounts disbursed.			
	Recourse is sought for claims that have already been paid (for export credit insurance and guarantees).	X	always	
	Access to official support is denied for a specified period of time.			
	Other			
Czech Republic (CEB)	Law enforcement authorities are informed. (only in relation to a conviction outside the Member's country)	X	always	
	Loan disbursements are interrupted.	X	always	
	Cover is invalidated (for export credit insurance and guarantees).			
	Claims are not indemnified (for export credit insurance and guarantees).			
	Recourse is sought for amounts disbursed.	X	always	
	Recourse is sought for claims that have already been paid (for export credit insurance and guarantees).			
	Access to official support is denied for a specified period of time.			
	Other			
Denmark	Law enforcement authorities are informed. (only in relation to a conviction outside the Member's country)	X	always	Loan disbursements are interrupted if possible. EKF's regulations are constructed so that EKF is under an obligation to indemnify the bank to which the guarantee has been issued unless that bank, or anyone acting on its behalf, has engaged in illegal bribery. If the exporter, or anyone acting on his/her behalf, has engaged in illegal bribery, the exporter is under an obligation to refund any indemnification with interest and reimburse EKF for any other loss.
	Loan disbursements are interrupted.	X	sometimes	
	Cover is invalidated (for export credit insurance and guarantees).	X	sometimes	
	Claims are not indemnified (for export credit insurance and guarantees).	X	sometimes	
	Recourse is sought for amounts disbursed.			
	Recourse is sought for claims that have already been paid (for export credit insurance and guarantees).	X	always	
	Access to official support is denied for a specified period of time.			
	Other			
Finland	Law enforcement authorities are informed. (only in relation to a conviction outside the Member's country)	X	always	
	Loan disbursements are interrupted.	X	always	
	Cover is invalidated (for export credit insurance and guarantees).			
	Claims are not indemnified (for export credit insurance and guarantees).	X	always	
	Recourse is sought for amounts disbursed.	X	always	
	Recourse is sought for claims that have already been paid (for export credit insurance and guarantees).	X	always	
	Access to official support is denied for a specified period of time.			
	Other			
France	Law enforcement authorities are informed. (only in relation to a conviction outside the Member's country)	X	sometimes	Conditions générales polices En cas de condamnation en première instance de l'Assuré ou de toute personne agissant pour son compte dans le cadre du contrat garanti par une décision de justice rendue sur la base des articles 435-2 et suivants du code pénal relatifs à la lutte contre la corruption, la mise en jeu de la garantie sera suspendue à son égard. En outre, la condamnation devenue définitive de l'assuré ou de toute personne agissant pour son compte dans le cadre du contrat garanti, sur la base des dispositions précitées, entraîne la déchéance des droits que confère la police. Si des indemnités ont été versées, leur montant devra être restitué.
	Loan disbursements are interrupted.	X	always	
	Cover is invalidated (for export credit insurance and guarantees).	X	always	
	Claims are not indemnified (for export credit insurance and guarantees).	X	always	
	Recourse is sought for amounts disbursed.			
	Recourse is sought for claims that have already been paid (for export credit insurance and guarantees).	X	always	
	Access to official support is denied for a specified period of time.			
	Other			

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Germany	Law enforcement authorities are informed. (only in relation to a conviction outside the Member's country)	X	always	Access can be denied on a case-by case basis.
	Loan disbursements are interrupted.	X	always	
	Cover is invalidated (for export credit insurance and guarantees).			
	Claims are not indemnified (for export credit insurance and guarantees).	X	always	
	Recourse is sought for amounts disbursed.			
	Recourse is sought for claims that have already been paid (for export credit insurance and guarantees).	X	always	
	Access to official support is denied for a specified period of time.	X	sometimes	
	Other			
Greece	Law enforcement authorities are informed. (only in relation to a conviction outside the Member's country)	X	always	
	Loan disbursements are interrupted.			
	Cover is invalidated (for export credit insurance and guarantees).	X	always	
	Claims are not indemnified (for export credit insurance and guarantees).	X	always	
	Recourse is sought for amounts disbursed.			
	Recourse is sought for claims that have already been paid (for export credit insurance and guarantees).	X	always	
	Access to official support is denied for a specified period of time.	X	always	
	Other			
Hungary (MEHIB)	Law enforcement authorities are informed. (only in relation to a conviction outside the Member's country)	X	always	Refer to comments under Question 7. In the lack of corrective measures the access to official support may be denied. Access to official support may be denied for max. 5 years.
	Loan disbursements are interrupted.			
	Cover is invalidated (for export credit insurance and guarantees).	X	always	
	Claims are not indemnified (for export credit insurance and guarantees).	X	always	
	Recourse is sought for amounts disbursed.			
	Recourse is sought for claims that have already been paid (for export credit insurance and guarantees).	X	always	
	Access to official support is denied for a specified period of time.	X	sometimes	
	Other			
Hungary (Eximbank)	Law enforcement authorities are informed. (only in relation to a conviction outside the Member's country)	X	always	Refer to comments under Question 7. In the lack of corrective measures the access to official support may be denied. Access to official support may be denied for max. 5 years.
	Loan disbursements are interrupted.	X	always	
	Cover is invalidated (for export credit insurance and guarantees).	X	always	
	Claims are not indemnified (for export credit insurance and guarantees).	X	always	
	Recourse is sought for amounts disbursed.	X	always	
	Recourse is sought for claims that have already been paid (for export credit insurance and guarantees).	X	always	
	Access to official support is denied for a specified period of time.	X	sometimes	
	Other			
Italy	Law enforcement authorities are informed. (only in relation to a conviction outside the Member's country)	X	always	
	Loan disbursements are interrupted.			
	Cover is invalidated (for export credit insurance and guarantees).	X	always	
	Claims are not indemnified (for export credit insurance and guarantees).	X	always	
	Recourse is sought for amounts disbursed.			
	Recourse is sought for claims that have already been paid (for export credit insurance and guarantees).	X	always	
	Access to official support is denied for a specified period of time.			
	Other			
Japan (JBIC)	Law enforcement authorities are informed. (only in relation to a conviction outside the Member's country)	X	always	
	Loan disbursements are interrupted.	X	always	
	Cover is invalidated (for export credit insurance and guarantees).			
	Claims are not indemnified (for export credit insurance and guarantees).			
	Recourse is sought for amounts disbursed.	X	sometimes	
	Recourse is sought for claims that have already been paid (for export credit insurance and guarantees).			
	Access to official support is denied for a specified period of time.			
	Other			

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Japan (NEXI)	Law enforcement authorities are informed. (only in relation to a conviction outside the Member's country)	X	always	
	Loan disbursements are interrupted.			
	Cover is invalidated (for export credit insurance and guarantees).	X	always	
	Claims are not indemnified (for export credit insurance and guarantees).	X	always	
	Recourse is sought for amounts disbursed.			
	Recourse is sought for claims that have already been paid (for export credit insurance and guarantees).	X	always	
	Access to official support is denied for a specified period of time.			
	Other			
Korea (Eximbank)	Law enforcement authorities are informed. (only in relation to a conviction outside the Member's country)	X	always	
	Loan disbursements are interrupted.	X	always	
	Cover is invalidated (for export credit insurance and guarantees).	X	always	
	Claims are not indemnified (for export credit insurance and guarantees).	X	always	
	Recourse is sought for amounts disbursed.	X	always	
	Recourse is sought for claims that have already been paid (for export credit insurance and guarantees).			
	Access to official support is denied for a specified period of time.			
	Other			
Korea (K-sure)	Law enforcement authorities are informed. (only in relation to a conviction outside the Member's country)	X	always	
	Loan disbursements are interrupted.			
	Cover is invalidated (for export credit insurance and guarantees).	X	always	
	Claims are not indemnified (for export credit insurance and guarantees).	X	always	
	Recourse is sought for amounts disbursed.			
	Recourse is sought for claims that have already been paid (for export credit insurance and guarantees).			
	Access to official support is denied for a specified period of time.			
	Other			
Luxembourg	Law enforcement authorities are informed. (only in relation to a conviction outside the Member's country)	X	always	
	Loan disbursements are interrupted.			
	Cover is invalidated (for export credit insurance and guarantees).	X	always	
	Claims are not indemnified (for export credit insurance and guarantees).	X	always	
	Recourse is sought for amounts disbursed.			
	Recourse is sought for claims that have already been paid (for export credit insurance and guarantees).	X	always	
	Access to official support is denied for a specified period of time.			
	Other			
Mexico	Law enforcement authorities are informed. (only in relation to a conviction outside the Member's country)	X	always	When the crime affect directly to the Institution, the term for the payment of the credit would be considered expired and the guarantees called.
	Loan disbursements are interrupted.	X	always	
	Cover is invalidated (for export credit insurance and guarantees).			
	Claims are not indemnified (for export credit insurance and guarantees).			
	Recourse is sought for amounts disbursed.	X	always	
	Recourse is sought for claims that have already been paid (for export credit insurance and guarantees).			
	Access to official support is denied for a specified period of time.	X	always	
	Other	X	always	
Netherlands	Law enforcement authorities are informed. (only in relation to a conviction outside the Member's country)	X	always	
	Loan disbursements are interrupted.	X	always	
	Cover is invalidated (for export credit insurance and guarantees).	X	always	
	Claims are not indemnified (for export credit insurance and guarantees).	X	always	
	Recourse is sought for amounts disbursed.	X	always	
	Recourse is sought for claims that have already been paid (for export credit insurance and guarantees).	X	always	
	Access to official support is denied for a specified period of time.			
	Other			

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New Zealand	Law enforcement authorities are informed. (only in relation to a conviction outside the Member's country)	X	always	The actual response by the NZECO will be determined by the NZECO's documentation, the NZECO's Advisory Board, but may include some or all of the actions included above. The particular circumstance of the situation will be considered, as will the effect of NZECO's potential actions on parties not responsible for the bribery or corruption.
	Loan disbursements are interrupted.	X	sometimes	
	Cover is invalidated (for export credit insurance and guarantees).	X	sometimes	
	Claims are not indemnified (for export credit insurance and guarantees).	X	sometimes	
	Recourse is sought for amounts disbursed.	X	sometimes	
	Recourse is sought for claims that have already been paid (for export credit insurance and guarantees).	X	sometimes	
	Access to official support is denied for a specified period of time.	X	sometimes	
	Other			
Norway	Law enforcement authorities are informed. (only in relation to a conviction outside the Member's country)	X	always	Compensation may be denied or recourse may be sought according to GIEKs special conditions which reads as follows: Coverage under the Guarantee may lapse if the Exporter, in connection with the transaction to which the Guarantee applies, has acted in violation of the prohibitions in Sections 276a to 276c of the Norwegian Criminal Code. These provisions cover corruption of parties both in the public and private sectors and undue influence in trading with parties within the public and private sectors. If payment under the Guarantee has been made or must be made to another party, a claim for reimbursement of said payment with interest and expenses may be made. The same applies should any agent of the Exporter act in violation of such prohibition, if the Guarantee Holder was aware or ought to have been aware of this. The same applies for the lender/guarantee holder.
	Loan disbursements are interrupted.			
	Cover is invalidated (for export credit insurance and guarantees).	X	sometimes	
	Claims are not indemnified (for export credit insurance and guarantees).	X	sometimes	
	Recourse is sought for amounts disbursed.			
	Recourse is sought for claims that have already been paid (for export credit insurance and guarantees).	X	sometimes	
	Access to official support is denied for a specified period of time.			
	Other			
Poland	Law enforcement authorities are informed. (only in relation to a conviction outside the Member's country)	X	always	
	Loan disbursements are interrupted.			
	Cover is invalidated (for export credit insurance and guarantees).			
	Claims are not indemnified (for export credit insurance and guarantees).	X	sometimes	
	Recourse is sought for amounts disbursed.			
	Recourse is sought for claims that have already been paid (for export credit insurance and guarantees).	X	sometimes	
	Access to official support is denied for a specified period of time.			
	Other			
Portugal	Law enforcement authorities are informed. (only in relation to a conviction outside the Member's country)	X	always	
	Loan disbursements are interrupted.			
	Cover is invalidated (for export credit insurance and guarantees).	X	always	
	Claims are not indemnified (for export credit insurance and guarantees).	X	always	
	Recourse is sought for amounts disbursed.			
	Recourse is sought for claims that have already been paid (for export credit insurance and guarantees).	X	always	
	Access to official support is denied for a specified period of time.	X	always	
	Other			

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Slovak Republic	Law enforcement authorities are informed. (only in relation to a conviction outside the Member's country)	X	always	
	Loan disbursements are interrupted.	X	always	
	Cover is invalidated (for export credit insurance and guarantees).			
	Claims are not indemnified (for export credit insurance and guarantees).	X	always	
	Recourse is sought for amounts disbursed.			
	Recourse is sought for claims that have already been paid (for export credit insurance and guarantees).	X	always	
	Access to official support is denied for a specified period of time.			
	Other			
Spain	Law enforcement authorities are informed. (only in relation to a conviction outside the Member's country)	X	always	When the insured is a bank-not related to the offense- claims are not suspended. Instead we take recourse against the exporter.
	Loan disbursements are interrupted.			
	Cover is invalidated (for export credit insurance and guarantees).	X	always	
	Claims are not indemnified (for export credit insurance and guarantees).	X	always	
	Recourse is sought for amounts disbursed.			
	Recourse is sought for claims that have already been paid (for export credit insurance and guarantees).	X	always	
	Access to official support is denied for a specified period of time.			
	Other			
Sweden	Law enforcement authorities are informed. (only in relation to a conviction outside the Member's country)	X	always	The guarantee is valid until a final verdict by a court. In case compensation already has been paid recourse is sought vis-à-vis the exporter. The applicant/exporter is aware of the fact that, should bribery have been involved in the export transaction, the guarantee may lapse. If it is proven that bribery was involved, EKN will take a decision grounded on the facts received whether to declare the guarantee invalid or not. Loan disbursements are interrupted, recourse is sought for amounts disbursed and access to official support is denied by SEK if it is proven that bribery was involved after a due diligence has been undertaken.
	Loan disbursements are interrupted.	X	sometimes	
	Cover is invalidated (for export credit insurance and guarantees).	X	sometimes	
	Claims are not indemnified (for export credit insurance and guarantees).	X	sometimes	
	Recourse is sought for amounts disbursed.	X	sometimes	
	Recourse is sought for claims that have already been paid (for export credit insurance and guarantees).	X	sometimes	
	Access to official support is denied for a specified period of time.	X	sometimes	
	Other			
Switzerland	Law enforcement authorities are informed. (only in relation to a conviction outside the Member's country)	X	always	SERV does not offer loans and therefore SERV cannot "interrupt loan disbursements" or "seek recourse for amounts disbursed".
	Loan disbursements are interrupted.			
	Cover is invalidated (for export credit insurance and guarantees).	X	always	
	Claims are not indemnified (for export credit insurance and guarantees).	X	always	
	Recourse is sought for amounts disbursed.			
	Recourse is sought for claims that have already been paid (for export credit insurance and guarantees).	X	always	
	Access to official support is denied for a specified period of time.	X	sometimes	
	Other			
Turkey	Law enforcement authorities are informed. (only in relation to a conviction outside the Member's country)	X	always	Denial of access to further support would occur whilst enhanced due diligence was carried out (see answer to question 11)
	Loan disbursements are interrupted.	X	always	
	Cover is invalidated (for export credit insurance and guarantees).	X	always	
	Claims are not indemnified (for export credit insurance and guarantees).	X	always	
	Recourse is sought for amounts disbursed.	X	always	
	Recourse is sought for claims that have already been paid (for export credit insurance and guarantees).	X	always	
	Access to official support is denied for a specified period of time.	X	always	
	Other			

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United Kingdom	Law enforcement authorities are informed. (only in relation to a conviction outside the Member's country)	X	always	Corrupt activity admitted or proven in a criminal or civil court of competetent jurisdiction on the part of the Insured, or anyone with his authority, consent or acquiescence, renders the Exporters Insurance Policy liable to termination and the Exporter liable to repay any sums already paid. In cases where ECGD guarantees bank loans, similar admissions or proof gives ECGD recourse rights against the corrupt party.Denial of access to further support would occur whilst enhanced due diligence was carried out (see answer to Question 11).
	Loan disbursements are interrupted.			
	Cover is invalidated (for export credit insurance and guarantees).	X	sometimes	
	Claims are not indemnified (for export credit insurance and guarantees).	X	sometimes	
	Recourse is sought for amounts disbursed.			
	Recourse is sought for claims that have already been paid (for export credit insurance and guarantees).	X	sometimes	
	Access to official support is denied for a specified period of time.	X	sometimes	
	Other			
United States (EXIM)	Law enforcement authorities are informed. (only in relation to a conviction outside the Member's country)	X	always	If it is proven that bribery was involved in the award of the export contract for a transaction, Ex-Im Bank will refer the matter to the U.S. Department of Justice for possible criminal prosecution under the Foreign Corrupt Practices Act (FCPA) and other laws. Ex-Im will also work with the Department of Justice to pursue possible civil lawsuits under the False Claims Act; under this Act, the U.S. government can recover up to treble damages from the entity that engaged in the unlawful bribery and concealed it from Ex-Im Bank. Where appropriate, Ex-Im Bank will also exercise its authority to debar the entity that engaged in bribery from future transactions with the United States government.
	Loan disbursements are interrupted.			
	Cover is invalidated (for export credit insurance and guarantees).			
	Claims are not indemnified (for export credit insurance and guarantees).			
	Recourse is sought for amounts disbursed.	X	sometimes	
	Recourse is sought for claims that have already been paid (for export credit insurance and guarantees).	X	sometimes	
	Access to official support is denied for a specified period of time.	X	sometimes	
	Other			
United States (USDA)	Law enforcement authorities are informed. (only in relation to a conviction outside the Member's country)	X	always	OIG would refer the matter to the appropriate law enforcement authority. CCC may act against an exporter or parties to varying degrees depending on the outcome of the investigation into this matter.
	Loan disbursements are interrupted.			
	Cover is invalidated (for export credit insurance and guarantees).	X	sometimes	
	Claims are not indemnified (for export credit insurance and guarantees).	X	sometimes	
	Recourse is sought for amounts disbursed.	X	sometimes	
	Recourse is sought for claims that have already been paid (for export credit insurance and guarantees).	X	sometimes	
	Access to official support is denied for a specified period of time.	X	sometimes	
	Other			